

EXHIBIT

A

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

**SCHWARTZ, BRUCE d/b/a BRUCE
SCHWARTZ PROCESS SERVER,**

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005324909

**License No.: 1350838 (Process
Serving Agency)**

Date: September 4, 2013

The respondent is charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for August 19, 2013. The respondent did not appear.

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear in person at the Department to answer the Notice of Hearing.¹

On March 16, 2013 the respondent pleaded guilty of violating 6 RCNY 2-234a(b) (see LL005287518).

ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of \$6,500., which is immediately due and owing**, as follows:

Administrative Code Section 20-101	REVOCATION
6 RCNY Section 1-16(a) (\$500 per count, for 4 counts)	\$2,000
6 RCNY Section 2-234a(b) (\$500 per count, for 3 counts)	\$1,500
6 RCNY Section 2-233(c)(1)(iii) (\$500 per count, for 1 count)	\$500
\$2000 Pursuant to paragraph IV of the prior Settlement Agreement (LL005287518) (2 counts)	\$2,000

¹ The respondent was issued a Process Server license on January 18, 2012.

6 RCNY Section 1-14	\$500
TOTAL	\$6,500

The respondent's license is **REVOKED effective immediately**. The respondent is **directed to surrender the license document** immediately in person or by mail to DCA's Licensing Center which is located at 42 Broadway, New York, NY 10004.

If respondent operates while the license is revoked, the respondent will be subject to criminal prosecution and/or civil penalties of at least \$100 per day for each and every day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to Administrative Code Sections 20-105 and 20-106 (the "Padlock Law").

It is further **declared** that the respondent is deemed unfit to hold a license issued by the Department of Consumer Affairs.

The Department will suspend the respondent's DCA license(s) if the respondent fails to comply with this Decision and Order within thirty (30) days, including payment of the fine. Payment with a check that is dishonored or a credit card transaction that is denied or reversed will not be considered compliance with this Decision and Order. The license(s) will not be reinstated until the respondent has served any suspension period ordered in this Decision and has paid ALL fines owed to the Department.

This constitutes the Decision and Order of the Department.

**E. DeFontes
Administrative Law Judge**

cc: SEBRING714@AOL.COM

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ROYALE PROCESS SERVICES, LLC,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005324908

License No.: 1344328

Date: September 10, 2013

The respondent is charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for August 19, 2013. The respondent did not appear.

The respondent has one or more prior violations (See LL005287511).

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear in person at the Department to answer the Notice of Hearing.¹

ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of \$7,500**, which is immediately due and owing, as follows:

Administrative Code Section 20-101	REVOCATION
6 RCNY Section 1-16(a) (\$500 per count, for 4 counts)	\$2,000
6 RCNY Section 2-234a(b) (\$500 per count, for 3 counts)	\$1,500
6 RCNY Section 2-233(c)(1)(iii) (\$500 per count, for 1 count)	\$ 500
Consent Order dated January 4, 2012, Section II (\$1,000 per count, for 3 counts)	\$3,000
6 RCNY Section 1-14	\$ 500
TOTAL	\$7,500

¹ The respondent has a current Process Serving Agency - Bonded license that was issued on February 15, 2012 (Lic. No. 1344328).

The respondent's license is **REVOKED effective immediately**. The respondent is **directed to surrender the license document** immediately in person or by mail to DCA's Licensing Center which is located at 42 Broadway, New York, NY 10004.

If respondent operates while the license is revoked, the respondent will be subject to criminal prosecution and/or civil penalties of at least \$100 per day for each and every day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale or utilized in the operation of such business, pursuant to Administrative Code Sections 20-105 and 20-106 (the "Padlock Law").

It is further **declared** that the respondent is deemed unfit to hold any licenses issued by the Department of Consumer Affairs.

The Department will suspend the respondent's DCA license(s) if the respondent fails to comply with this Decision and Order within thirty (30) days, including payment of the fine. Payment with a check that is dishonored or a credit card transaction that is denied or reversed will not be considered compliance with this Decision and Order. The license(s) will not be reinstated until the respondent has served any suspension period ordered in this Decision and has paid ALL fines owed to the Department.

This constitutes the Decision and Order of the Department.

**Richard J. Zeitler, Jr.
Administrative Law Judge**

cc: Royale Process Services, LLC
P.O. Box 265
Brooklyn, NY 11209
Email: emikhli@aol.com

<p><u>Mail payment of fine in the enclosed envelope addressed to:</u> NYC Department of Consumer Affairs Collections Division 42 Broadway, 9th Floor New York, NY 10004</p>

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS
-----X
DEPARTMENT OF CONSUMER AFFAIRS,

DECISION AND ORDER

Complainant,

Violation No.: LL005307562

- against -

License No.: 1352346

HOWARD D. CLARKE,

Respondent's Address:
564 East 93 Street
Brooklyn, NY 11236

Respondent.

-----X

A hearing on the above-captioned matter was held on February 14 and February 28, 2013.

Appearances: For the Department: Alvin A. Liu, Esq.; Odelia N. Lewis, witness (February 14, 2013). For the Respondent: Howard D. Clarke.

The Amended Notice of Hearing charged the respondent with violating¹:

1. Title 6 of the Rules of the City of New York ("6 RCNY") Section 2-234 by falsely affirming in an affidavit of service that a Summons and Complaint had been served. (1 count)
2. 6 RCNY Section 2-234 by falsely affirming in an affidavit of service that a Summons and Complaint had been served. (1 count)
3. 6 RCNY Section 2-236(a) by failing to report to the Department the scheduling of 2 traverse hearings within ten (10) days of receiving notice that a court had scheduled the hearings. (2 counts)
4. 6 RCNY Section 2-236(c)(2) by failing, within one hundred (100) days after the scheduled date of 2 traverse hearings, to report to the Department either the final result of the hearings or that he made attempts to learn the final results of the traverse hearings but was unable to do so. (2 counts)
5. 6 RCNY Section 2-236(c)(1) by failing to attempt to learn the results of 2 traverse hearings in accordance with the procedures specified in 6 RCNY Section 2-236(c)(1). (2 counts)
6. 6 RCNY Section 2-233b(a)(2)(i) by failing to create a GPS record for each service and attempted service that he made. (10 counts)

¹ The amendment to the Notice of Hearing ("NOH") consisted of changing the hearing date to February 14, 2013.

that the entries were legible is not supported by the credible evidence. It is determined, from a review of the evidence, that the entries in question are illegible and obscured. Further, respondent concedes that he did not make corrections as required pursuant to 6 RCNY Section 2-233(b)(8) which requires that a correction be made by drawing a line through the error and placing the correction above the line. Accordingly, the charges are sustained.

Charge 15: 6 RCNY Section 2-233(b)(6) (10 counts)

6 RCNY Section 2-233(b)(6) requires that both the name and the license number of the process server organization from whom the process served was received must be included in respondent's logbook. Respondent only included the agency's license number and not its name. Therefore, he has not fully complied with the requirement. Accordingly, the charge is sustained.

Charge 16: 6 RCNY Section 2-233(a)(2)(i) (10 counts)

The Department established that respondent failed to include the full title of the action in his logbook in ten instances. Respondent testified that he believed he did not have to do so where it was a Worker's Compensation case. He also testified that a notation of "WC" in the "document served" column of his logbook satisfied the cited section. Both claims fail to establish a meritorious defense since "WC" neither clearly identifies the title to the action nor appears in the appropriate column of the logbook. Accordingly, the charges are sustained.

Charge 21: Administrative Code Section 20-101

The Department established by a preponderance of the credible evidence that respondent failed to maintain the standards of integrity, honesty and fair dealing required of licensees in light of all of the foregoing repeated errors and omissions. Respondent's claim that he was only a process server for a short period of time and unfamiliar with many of the rules and regulations is of no merit.

In light of the foregoing, the charge shall be sustained and the respondent's license is hereby revoked.

RECOMMENDED DECISION:

The respondent is found **guilty** and is, hereby, **ordered** to pay to the Department a **TOTAL FINE** of **\$53,000** as follows:

Charge 1: \$500 (1 count)

Charge 2: \$500 (1 count)

Charge 3: \$500 (1 count)

Charge 4: \$500 (1 count)

Charge 5: \$500 (1 count)

Charge 6: withdrawn

Charge 7: \$5,000 (\$500 per count, for 10 counts)

Charge 8: \$5,000 (\$500 per count, for 10 counts)

Charge 9: withdrawn

Charge 10: withdrawn

Charge 11: \$500

Charge 12: \$5,000 (\$500 per count, for 10 counts)

Charge 13: \$4,500 (\$500 per count, for 9 counts)

Charge 14: \$4,500 (\$500 per count for 9 counts)

Charge 15: \$5,000 (\$500 per count, for 10 counts)

Charge 16: \$5,000 (\$500 per count, for 10 counts)

Charge 17: \$5,000 (\$500 per count, for 10 counts)

Charge 18: \$2,000 (\$500 per count, for 4 counts)

Charge 19: \$5,000 (\$500 per count, for 10 counts)

Charge 20: \$4,000 (\$500 per count, for 8 counts)

Charge 21: Revocation of License

The respondent's license is REVOKED effective immediately. The respondent is directed to surrender the license document immediately in person or by mail to DCA's Licensing Center which is located at 42 Broadway, New York, NY 10004.

If respondent operates while the license is revoked, the respondent will be subject to criminal prosecution and/or civil penalties of at least \$100 per day for each and every day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to Administrative Code Sections 20-105 and 20-106 (the "Padlock Law").

This constitutes the recommendation of the Administrative Law Judge of the Department.


**N. Tumelty
Administrative Law Judge**

DECISION AND ORDER

The recommendation of the Administrative Law Judge is approved.

This constitutes the Decision and Order of the Department. Failure to comply with this order within thirty (30) days may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent.

Date: 19 March 2013



**James M. Plotkin
Deputy Director of Adjudication**

cc: Alvin Liu, Esq.
Via email: aliu@dca.nyc.gov

**Mail payment of fine in the
enclosed envelope addressed to:**
NYC Department of Consumer
Affairs
Collections Division
42 Broadway, 9th Floor
New York, NY 10004

APPEAL INFORMATION

You have **30 days** to file an **APPEAL** of this decision. You must include with your appeal **all** of the following: (1) a check or money order payable to DCA for the sum of \$25; and (2) a check or money order payable to DCA for the amount of the fine imposed by the decision, or an application for a waiver of the requirement to pay the fine as a requisite for an appeal, based upon financial hardship. The application must be supported by evidence of financial hardship, including the most recent tax returns you have filed.

BY EMAIL: Send your appeal to myappeal@dca.nyc.gov and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. (Make sure to write the violation number(s) on your check or money order.) You may pay the fine online at www.nyc.gov/consumers, or mail a check or money order to: DCA, Collections Division, 42 Broadway, NY, NY 10004.

BY REGULAR MAIL: Mail your appeal and the \$25 appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11th Floor, New York, NY 10038. You must also mail a copy of your appeal to: DCA, Legal Division, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your appeal some indication or proof that you have sent a copy of the appeal to DCA's Legal Division. You may pay the fine online at www.nyc.gov/consumers, or mail a check or money order to: DCA, Collections Division, 42 Broadway, NY, NY 10004.

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ALVIN GONZALEZ,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL002532639

License No.: 1074641

Date: August 24, 2011

The respondent is charged with the violation(s) in the attached Notice of Hearing.

A hearing was scheduled for August 16, 2011. The respondent did not appear.

The respondent has one or more prior violations (See LL005130910).

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY § 1-14 for failing to appear at a duly noticed hearing.

ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of \$2500.00**, as follows:

6 RCNY § 2-233(a)(6) (\$1000 per count, for 1 count)	\$1000
6 RCNY § 1-16 (\$500 per count, for 1 count)	\$500
6 RCNY § 6-42(c) (\$500 per count, for 1 count)	\$500
NYC Administrative Code § 20-101	Revocation of License
6 RCNY § 1-14	\$500
TOTAL	\$2500

Pursuant to Administrative Code §§ 20-101 and 20-104(e)(3), the respondent's license is **REVOKED effective immediately**. The respondent is directed to

surrender the license document to the Licensing Division immediately. Please NOTE that if the respondent continues to operate with a revoked license, the respondent is subject to CRIMINAL PROSECUTION and/or civil penalties of \$100 per day for each day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to the Administrative Code of the City of New York §§ 20-105 and 20-106 (the "Padlock Law").

Failure to comply with this order within thirty (30) days may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent(s).

This constitutes the Decision and Order of the Department.

**Steven T. Kelly
Administrative Law Judge**

cc: Nicholas J. Minella, Esq.
DCA Legal Division

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ROBBIE LAWSON,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005130913

License No.: 1261838

Date: March 3, 2010

The respondent is charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for February 11, 2009. The respondent did not appear.

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear at a duly noticed hearing.

ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of \$54,500** as follows:

6 RCNY Section 2-233(a)(6) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(b)(5) (\$500 per count, for 10 counts)	\$5,000
6 RCNY Section 2-233(a)(2)(i) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(iii) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(iv) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(v) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(vi)	\$3,500

(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(2)(vii)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(3)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(4)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(5)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(1)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(2)	\$3,500
(\$ 350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(3)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(4)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY §1-14	\$ 500
TOTAL	\$54,500

The respondent's license is **REVOKED effective immediately**. The respondent is directed to surrender the license document to the Licensing Division immediately. Please NOTE that if the respondent continues to operate with a revoked license, the respondent is subject to CRIMINAL PROSECUTION and/or civil penalties of \$100 per day for each day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to the Administrative Code of the City of New York Sections 20-105 and 20-106 (the "Padlock Law").

It is further **DECLARED** that respondent shall not be issued any license by the Department for a period of at least one year.

This constitutes an Order of the Department.

Lee Fawkes
Administrative Law Judge

Mail payment of fine in the enclosed envelope addressed to:
NYC Department of Consumer Affairs
Collections Division
42 Broadway, 9th Floor
New York, NY 10004

APPEAL INFORMATION

You have 15 days to file a **MOTION TO VACATE** this decision. Your motion **must** include ALL of the following: 1) A check or money order for \$25 payable to the Department of Consumer Affairs; 2) the reason for your failure to appear on the hearing date; *and* 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.

BY EMAIL: Send your motion to myappeal@dca.nyc.gov and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. Make sure to write the violation number(s) on your check or money order.

BY REGULAR MAIL: Mail your motion and the appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11th Floor, New York, NY 10038. You must also mail a copy of your motion to: Legal Compliance and Fitness Division, Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your motion some indication or proof that you have sent a copy of the motion to DCA's Legal Compliance and Fitness Division.

Cc: rlsupportservices@tmo.blackberry.net
pkimball@dca.nyc.gov